## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CRIMINAL NO. 3:10-CR-00082-FDW

UNITED STATES OF AMERICA	)	
	)	
vs.	)	
	)	ORDER
DEMARCO PEGUES,	)	
	)	
Defendant.	)	
	)	

THIS MATTER is before the Court *sua sponte* regarding the recusal of the undersigned and reassignment of this case. Pursuant to 28 U.S.C. § 455(b)(1), because the Court has personal knowledge of disputed evidentiary facts concerning Defendant's Motion for a New Trial (Doc. No. 21), the Court hereby RECUSES itself and its chambers staff from this case.

Additionally, it is ORDERED that counsel for the Defendant and the Government as well as any Federal Defender's Office, United States Attorney's Office, or United States District Court staff, including the case-agent assigned to this case, that was a witness to the post-verdict interview with the jury that occurred on September 15, 2010 is RECUSED from the instant Motion. Nothing in this Order shall prevent such counsel or staff from serving as witnesses or otherwise cooperating in this matter.

The Clerk shall re-assign this case consistent with its usual procedures.

IT IS SO ORDERED.

Signed: December 10, 2010

Frank D. Whitney

United States District Judge